

REMARKS/ARGUMENTS

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. The claims have been amended to more particularly describe the invention. No new matter has been added as a result of these amendments. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 1, 2, and 4-8 under 35 U.S.C. §102(e) as anticipated by Griffin et al. (U.S. Patent Publication No. 2003/0125751). In order to anticipate, the cited reference must disclose each and every claimed element. Griffin et al. fail to do so, especially with respect to the amended claims.

In particular, claim 1 (and hence claims 2 and 4-8 that depend therefrom) has been amended to recite that the tip is configured to deform or compress when the radially inextensible ring contacts the distal stop on the guidewire. This is a claimed feature not shown by Griffin et al. While Griffin et al. disclose a catheter having a polymeric member (31) including a distal nose (202) disposed therein, there is no disclosure or mention of the polymeric member (31) being configured or adapted to deform if and when the distal nose (202) would come into contact with a distal stop on a guidewire. Indeed, one of skill in the art would not look at Figure 49 (as cited by the Examiner) of Griffin et al. and expect the structure shown therein to be capable of deforming in response to contact with a distal stop. This is a claimed feature not shown by the cited reference, and thus the reference cannot reasonable be considered as disclosing the claimed invention. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claim 25 under 35 U.S.C. §102(e) as anticipated by Griffin et al. (U.S. Patent Publication No. 2003/0125751). In order to anticipate, the cited reference must disclose each and every claimed element. Griffin et al. fail to do so, especially with respect to the amended claims.

In particular, claim 25 recites that the tip includes a soft body portion and a rigid ring and has been amended to recite that the soft body portion is configured to elastically deform in response to the rigid ring contacting a distal guidewire stop. This is a claimed feature not shown by Griffin et al. As discussed above, while Griffin et al. disclose a

catheter having a polymeric member (31) including a distal nose (202) disposed therein, there is no disclosure or mention of the polymeric member (31) being configured or adapted to deform if and when the distal nose (202) would come into contact with a distal stop on a guidewire. This is a claimed feature not shown by the cited reference, and thus the reference cannot reasonably be considered as disclosing the claimed invention. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 9-12, 16, 17 and 19-23 under 35 U.S.C. §103(a) as unpatentable over Van Tassel et al. (U.S. Patent No. 4,531,943) in view of Muni et al. (U.S. Patent No. 5,316,706). One of the requirements of a *prima facie* obviousness rejection is that the cited combination must disclose each and every claimed feature. Another requirement is that there must be motivation to combine the references. At a minimum, these requirements have not been met. Applicants do not concede that the other requirement, reasonable expectation of success, has been met.

The Examiner recognizes that Van Tassel et al. fail to disclose or suggest a tip that comprises an amorphous polymer and that the radially inextensible portion comprises a locally crystalline section thereof, but relies upon Muni et al. to suggest these features.

However, it is noted that Muni et al. disclose forming a catheter from a single extrusion of (apparently) amorphous polymer. Muni et al. teach crystallizing portions of the extruded polymer to form "a jointless catheter having a relatively stiff body and a soft, pliable, and atraumatic tip" (Abstract). One of skill in the art will recognize that Muni et al. teach a soft, amorphous distal catheter tip and thus cannot be considered as describing or suggesting crystallizing part of the distal tip. Thus, Muni et al. cannot be considered as disclosing or suggesting a tip that has an elastic portion and a locally crystalline section thereof forming a radially inextensible distal portion that is distal of the elastic portion. As Van Tassel et al. also fail to disclose this feature, the cited combination fails to disclose each and every claimed feature and thus the *prima facie* obviousness rejection is flawed and should be withdrawn.

With respect to motivation, Applicants note that Muni et al. teach away from crystallizing (and thereby stiffening) a distal portion of the catheter. One of skill in the

art would not be motivated by Muni et al. to employ the techniques of Muni et al. in constructing the catheter disclosed by Van Tassel. The Examiner has not provided any suitable motivation for making this asserted combination.

Moreover, the Examiner has asserted that this combination would be obvious because “Van Tassel discloses that the material disclosed in Van Tassel is illustrative only and should not be considered as limiting the scope of the invention”. Applicants are not aware of any statutory or legal precedent that would render this common specification language as supporting an obviousness rejection. For at least these reasons, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner’s rejection of claims 26 and 27 under 35 U.S.C. §103(a) as unpatentable over Van Tassel et al. (U.S. Patent No. 4,531,943) in view of Muni et al. (U.S. Patent No. 5,316,706). As discussed above, the asserted combination of Van Tassel et al. and Muni et al. is flawed, as there is no appropriate motivation to combine the references as suggested. Moreover, as neither reference discloses a catheter having a tip that includes a first region formed of an amorphous polymer and a second region (distal of the first region) formed of a locally crystalline section thereof, the cited combination fails to disclose each and every claimed feature. For at least these reasons, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

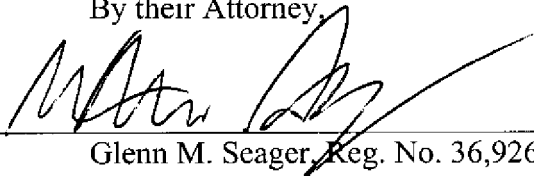
Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at 612.677.9050.

Respectfully submitted,

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By their Attorney,

Date: July 26, 2007



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